

JOURNAL OF THE SENATE

212

Monday, April 27, 1959

The Senate convened at 4:00 o'clock P. M., pursuant to adjournment on Friday, April 24, 1959.

The President in the Chair.

The roll was called and the following Senators answered to their names:

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

—38.

A quorum present.

The following Prayer was offered by the Senate Chaplain, Reverend L. B. Thomason:

O God, our Father, Thou hast brought us to this new week and opportunity. So help us to make the most of it that in everything we do, glory may be given to Thee.

Give us understanding and faith to open to Thee the door of our hearts so that Thou canst come in to commune with us. In Jesus name. Amen.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 22, 1959, was further corrected as follows:

Page 167, column 1, line 4, counting from the bottom of the column, strike out the figures "16" and insert in lieu thereof the figures "14,"

Also—

Page 167, column 1, line 7, counting from the bottom of the column, strike out the figures "16" and insert in lieu thereof the figures "14,"

Also—

Page 167, column 1, line 10, counting from the bottom of the column, strike out the figures "16" and insert in lieu thereof the figures "14,"

And as further corrected was approved.

The Senate daily Journal of Thursday, April 23, 1959, was further corrected as follows:

Page 174, column 2, at the end of line 12, strike out the period and add the following:

"immediately, pursuant to the motion made by Senator Carlton and adopted by the Senate on April 22, 1959."

Also—

Page 174, column 2, at the end of line 30, strike out the period and add the following:

"immediately, pursuant to the motion made by Senator Carlton and adopted by the Senate on April 22, 1959."

Also—

Page 174, column 2, at the end of line 3, counting from the bottom of the column, strike out the period and add the following:

"immediately, pursuant to the motion made by Senator Kicliter and adopted by the Senate on April 22, 1959."

Also—

Page 179, column 1, line 20, strike out the words "An Act" and insert in lieu thereof the words "A bill."

Also—

Page 179, column 1, strike out the period at the end of line 11, counting from the bottom of the column, and add the following:

"and the Committee on Appropriations."

Also—

Page 189, column 1, line 24, counting from the bottom of the column, strike out the figures "743.01" and insert in lieu thereof the figures "734.01,"

Also—

Page 192, column 1, strike out lines 15, 16, 17, 18, 19 and 20.

And as further corrected was approved.

The Senate daily Journal of Friday, April 24, 1959, was corrected as follows:

Page 196, column 1, line 9, strike out the word "day" and insert in lieu thereof the word "date."

Also—

Page 196, column 2, line 38, strike out the word "Enrolling" and insert in lieu thereof the word "Engrossing."

Also—

Page 197, column 2, line 6, strike out the word "Subsection" and insert in lieu thereof the word "Section."

Also—

Page 203, column 2, between lines 29 and 30, counting from the bottom of the column, insert the following:

"By Senator Ripley—"

Also—

Page 208, column 2, between lines 27 and 28, counting from the bottom of the column, insert the following:

"And House Bill No. 642 was read the second time by title only."

And as corrected was approved.

REPORT OF COMMITTEE

Senator Sutton, Chairman of the Committee on Privileges and Elections, reported that the Committee had carefully considered the following Bill:

S. B. No. 363—A bill to be entitled An Act to amend Section 99.061 (3), Florida Statutes, relating to filing fees, assessments and sworn statements by political candidates to provide for dates for the filing of statement and payment of fees and further providing for the county clerk to remit one-third of the filing fee to the proper state political party executive committee.

—and recommends that the same pass with Committee Amendment as attached thereto.

And the Bill contained in the preceding report, together with the Committee Amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

ENROLLING REPORTS

Your Enrolling Clerk, to whom was referred—

S. B. No. 74

S. B. No. 83

—reports same have been properly enrolled, signed by the President and Secretary of the Senate, and by the Speaker and Chief Clerk of the House of Representatives, and presented to the Governor on April 27, 1959, for his approval.

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk to whom was referred—

| | |
|---------------|---------------|
| H. B. No. 221 | H. B. No. 305 |
| H. B. No. 282 | H. B. No. 397 |
| H. B. No. 286 | H. B. No. 418 |
| H. B. No. 299 | H. B. No. 437 |
| H. B. No. 300 | H. B. No. 443 |
| H. B. No. 301 | H. B. No. 450 |
| H. B. No. 302 | H. B. No. 459 |
| H. B. No. 303 | H. B. No. 466 |
| H. B. No. 304 | |

—reports same have been properly enrolled, signed by the Speaker and Chief Clerk of the House of Representatives, and by the President and Secretary of the Senate, and presented to the Governor on April 27, 1959.

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk to whom was referred—

| | |
|---------------|---------------|
| H. B. No. 148 | H. B. No. 215 |
| H. B. No. 149 | |

—reports same have been properly enrolled, signed by the Speaker and Chief Clerk of the House of Representatives, and by the President and Secretary of the Senate, and presented to the Governor on April 27, 1959.

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

Your Enrolling Clerk to whom was referred—

| | |
|---------------|------------------|
| H. B. No. 155 | H. B. No. 486 |
| H. B. No. 209 | H. B. No. 494 |
| H. B. No. 438 | H. B. No. 498 |
| H. B. No. 484 | H. C. R. No. 511 |
| H. B. No. 485 | |

—reports same have been properly enrolled, signed by the Speaker and Chief Clerk of the House of Representatives, and by the President and Secretary of the Senate, and presented to the Governor on April 27, 1959.

ROBT. W. DAVIS,
Secretary of the Senate as
Ex Officio Enrolling Clerk
of the Senate.

INTRODUCTION OF RESOLUTIONS, MEMORIALS, BILLS AND JOINT RESOLUTIONS

By Senator Dickinson—

Senate Joint Resolution No. 494—

A JOINT RESOLUTION RELATING TO APPORTIONMENT; PROPOSING AN AMENDMENT TO SECTION 3 OF ARTICLE VII OF THE CONSTITUTION OF THE STATE OF FLORIDA; PROVIDING FOR FORTY-THREE (43) SENATORIAL DISTRICTS AND PROVIDING PLAN FOR APPORTIONING REPRESENTATION IN HOUSE OF REPRESENTATIVES.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to section 3 of article VII of the constitution of the State of Florida relating to apportionment of representation in the Senate and House of Representatives be and the same is hereby agreed to and shall be submitted to the electors of the State of Florida for approval or rejection at the next general election to be held in November, 1960:

Section 3. **Apportionment of representation in senate and house of representatives.**—The Legislature that shall meet in regular session A. D. 1961, and those that shall meet in 1965 and every ten (10) years thereafter, shall apportion the representation in the Senate, and shall provide for forty-three (43) Senatorial Districts, such Districts to be as nearly equal in population as practicable, but no county shall be divided in making such apportionment, and each district shall have one (1) Senator; and, at the same time, the Legislature shall also apportion the Representation in the House of Representatives, and shall allow three (3) Representatives to each of the five (5) most populous counties, and two (2) Representatives to each of the next eighteen (18) more populous counties, and one (1) Representative to each of the remaining counties of the State at the time of such apportionment. Should the Legislature fail to apportion the Representation in the Senate and in the House of Representatives, at any regular session of the Legislature at any of the times herein designated, it shall be the duty of the Legislature or Legislatures succeeding such regular session of the Legislature, either in special or regular session, to apportion the Representation in the Senate and in the House of Representatives as herein provided. The preceding regular Federal or regular State Census, whichever shall have been taken nearest any apportionment of Representatives in the Senate and in the House of Representatives, shall control in making any such apportionment. In the event the Legislature shall fail to reapportion the Representation in the Legislature as required by this amendment, the Governor shall (within thirty days after the adjournment of the regular session), call the Legislature together in extraordinary session to consider the question of reapportionment and such extraordinary session of the Legislature is hereby mandatorily required to reapportion the Representation as required by this amendment before its adjournment (and such extraordinary session so called for reapportionment shall not be limited to expire at the end of twenty days or at all, until reapportionment is effected, and shall consider no business other than such reapportionment.

Which was read the first time in full and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

By Senators Dickinson and Stenstrom—

S. B. No. 495—A bill to be entitled An Act to apportion the representation in the State of Florida in the Senate; amending Section 10.01, Florida Statutes; providing an effective date, November 8, 1960, upon the adoption of a Constitutional Amendment, providing a formula for reapportionment; directing the Governor to call a special election to fill vacancies created.

Which was read the first time by title only and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

By Senator Melton—

S. B. No. 496—A bill to be entitled An Act relating to motor vehicle certificates of title; amending Subsections (2) and (6) of Section 319.24, Florida Statutes; providing for satisfaction of first lien to be endorsed on face of certificate.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 497—A bill to be entitled An Act relating to motor vehicle title certificates; amending Paragraph (f) of Subsection (3) of Section 319.27, Florida Statutes, by adding thereto an unnumbered paragraph to provide exception under certain circumstances; providing an effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 498—A bill to be entitled An Act relating to the sale of motor vehicles previously used as for hire; providing a penalty for failure to affix a notice on the windshield of a motor vehicle before offering same for sale or exchange; amending Subsection (3) of Section 319.14, Florida Statutes; providing an effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 499—A bill to be entitled An Act relating to motor vehicle license plates; amending Section 320.15 and Subsection (1) of Section 320.74, Florida Statutes; by eliminating certain restrictions as to time when credits accruing from surrender of "for hire" license plates may be used in the purchase of new tags; providing an effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 500—A bill to be entitled An Act relating to motor vehicle license plates; amending Section 320.35, Florida Statutes; prohibiting the operation of motor vehicles with improper plates.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 501—A bill to be entitled An Act relating to motor vehicle registration cards; providing for registration cards to be signed, carried and exhibited on demand; providing effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 502—A bill to be entitled An Act relating to motor vehicle license plates; amending Subsections (1) and (2) of Section 320.031, Florida Statutes; providing for a mail service charge to be made by the motor vehicle commissioner for mailing license plates directly from the motor vehicle department; providing an effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 503—A bill to be entitled An Act relating to dismantling, destruction or change of vehicle identity, declaration of motor vehicle as salvage; amending Section 319.30, Florida Statutes, by providing grounds for declaring motor vehicles as salvage.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Melton—

S. B. No. 504—A bill to be entitled An Act relating to motor vehicle certificates of title; amending Subsection (5) of Section 319.23, Florida Statutes; providing for extra fees for failing to file applications for transfer within time required; providing an effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senators Melton and Sutton—

S. B. No. 505—A bill to be entitled An Act amending Chapter 320, Florida Statutes 1957, relating to motor vehicle licenses, etc. and registration taxes as the same relate to intercity motor buses; providing that intercity motor buses operated in interstate or combined interstate-intrastate movement in Florida shall be required to pay license taxes on a basis commensurate with and determined by the ratio of the miles traveled within the State of Florida and the miles traveled without the State of Florida; providing a method for the computation of the amount of such taxes and authorizing the State Motor Ve-

hicle Commissioner to prescribe rules and regulations necessary for the proper carrying out of this Act; and provide effective date.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Edwards—

S. B. No. 506—A bill to be entitled An Act relating to homestead abandonment; amending Chapter 192, Florida Statutes, by adding new section to be numbered Section 192.141; providing that the rental of an entire dwelling previously claimed to be a homestead is an abandonment of such dwelling as a homestead; providing an effective date.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

By the Committee on Insurance—

S. B. No. 507—A bill to be entitled An Act relating to the regulation of the manufacture, transportation, storage, sale, handling, and use of explosives; amending Sections 552.081-552.14, inclusive, Florida Statutes, by providing for definitions, licenses, and fees, elimination of farmer exemption, maintenance of records and inspection; repealing Subsection (7) of Section 552.081, Florida Statutes, defining "farmer"; and creating Section 552.112, Florida Statutes, to provide for the maintenance of records by users of explosives and inspection of same; and creating Section 552.113, Florida Statutes, to require immediate notice and a final written report by officers of all thefts, illegal use or illegal possession of explosives; and fixing an effective date.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By the Committee on Insurance—

S. B. No. 508—A bill to be entitled An Act relating to insurance; providing for the supervision and regulation of insurance companies and their agents transacting mortgage guaranty insurance business in Florida; providing for the imposition of licenses, taxes, and fees and for the disposition thereof; providing for the making and enforcing of rules and regulations; and providing an effective date.

Which was read the first time by title only and placed on the Calendar of Bills on Second Reading, without reference.

By Senator Sutton—

S. B. No. 509—A bill to be entitled An Act for the relief of Chester Kennison; providing for the reimbursement of money paid to Florida in 1926 and unjustly held plus an amount equal to simple interest thereon; providing an appropriation; providing an effective date.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senators Hair, Rawls, Connor, Hodges, Johns, Johnson, Davis, Belser, Bronson, Melton, Kelly, Knight, Stratton, Edwards and Branch—

S. B. No. 510—A bill to be entitled An Act relating to public school personnel; providing that a member of the instructional or administrative staff of any state supported institution of higher learning, any junior college, any county school board or of the State Department who advocates or teaches anything which would be in violation of the Constitution of the State of Florida shall be dismissed from such position and shall lose all tenure or continuing contract rights; providing an effective date.

Which was read the first time by title only and referred to the Committee on Education.

By Senators Beall, Gautier, Cross and Kieliter—

S. B. No. 511—A bill to be entitled An Act relating to railroads in operating trains; amending Section 351.05, Florida Statutes, providing for lights on the rear of all trains during the hours of darkness or during weather conditions where the visibility is impaired; providing penalty; providing effective date.

Which was read the first time by title only and referred to the Committee on Transportation and Traffic.

By Senator Knight—(By Request)—

S. B. No. 512—A bill to be entitled An Act relating to search and seizure; requiring that every motion in a criminal case to quash a search warrant or to suppress evidence obtained by search and seizure must be made, heard, and decided prior to the commencement of the trial of the case, but permitting objections at the trial based upon facts developed at the trial which were not known to the defendant or his attorney prior to the trial; authorizing the State to take an appeal, before the trial of the case commences, from an order quashing a search warrant or suppressing evidence obtained by search and seizure; providing that in case such an appeal is taken the cause shall be stayed as to the defendant or defendants upon whose application or in whose behalf such order was entered, until the appeal is determined, and that each such defendant shall be released on his own recognizance if he is in custody or if he is thereafter surrendered into custody by the surety or sureties on his bail bond; and prescribing the effective date hereof.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Ripley—

S. B. No. 513—A bill to be entitled An Act granting to Seaborn Thaddeous Thames, an employee of the electric department of the City of Jacksonville, full credit in the employees pension fund created by Chapter 18610, Laws of Florida, Acts of 1937, for the time he was employed by said department from September 13, 1939, to August 1, 1942, during which he was unable to become a member of said fund by reason of an injury incurred in line of duty, under certain conditions.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 513 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Ripley moved that the rules be waived and Senate Bill No. 513 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 513 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 513 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 513 was read the third time in full.

Upon the passage of Senate Bill No. 513 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So Senate Bill No. 513 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Ripley—

S. B. No. 514—A bill to be entitled An Act awarding a special pension to Patrick Vasco Price, formerly an employee of Duval County who is unable to pursue a regular avocation as a means of livelihood; providing that said pension be paid by the Board of County Commissioners of Duval County, Florida and providing an effective date.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 514 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Ripley moved that the rules be waived and Senate Bill No. 514 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 514 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 514 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 514 was read the third time in full.

Upon the passage of Senate Bill No. 514 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So Senate Bill No. 514 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Ripley—

S. B. No. 515—A bill to be entitled An Act granting to Joyce Aycocke, an employee of the electric department of the City of Jacksonville, full credit in the Employees Pension Fund created by Chapter 18610, Laws of Florida, Acts of 1937, for the time she was employed by said city from March 6, 1941, to February 28, 1943, during which time she was entitled to have been made a permanent employee, under certain conditions.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 515 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Ripley moved that the rules be waived and Senate Bill No. 515 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 515 was read the second time by title only.

Senator Ripley moved that the rules be further waived and Senate Bill No. 515 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 515 was read the third time in full.

Upon the passage of Senate Bill No. 515 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|----------|-----------|----------|
| Mr. President | Bronson | Dickinson | Hair |
| Adams | Carlton | Eaton | Hodges |
| Beall | Carraway | Edwards | Houghton |
| Belser | Clarke | Gautier | Johns |
| Boyd | Connor | Getzen | Kelly |
| Brackin | Cross | Gibbons | Kicliter |
| Branch | Davis | Gresham | Knight |

Melton
Pearce
Pope

Price
Rawls
Ripley

Stenstrom
Stratton

Sutton
Tedder

Nays—None.

So Senate Bill No. 515 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Brackin—(By Request)—

S. B. No. 516—A bill to be entitled An Act relating to the Hotel and Restaurant Commission; amending Paragraph (a) of Subsection (1) of Section 509.241; amending Subsection (1) of Section 509.242, Florida Statutes; defining public lodging establishments; prescribing specific classifications of public lodging establishments and the requirements therefor; providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Brackin—(By Request)—

S. B. No. 517—A bill to be entitled An Act relating to the Hotel and Restaurant Commission; amending Subsection (1) of Section 509.251, Florida Statutes, providing an increase in certain license fees; providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Brackin—(By Request)—

S. B. No. 518—A bill to be entitled An Act relating to the Hotel and Restaurant Commission; amending Subsection (2) of Section 509.221, Florida Statutes; discontinuing the construction or use of privies in public lodging establishments and public food service establishments; providing an effective date.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Carlton—

S. B. No. 519—A bill to be entitled An Act relating to tax on sales, use and certain transactions; amending Subsection (5) of Section 212.08, Florida Statutes, by removing exemption from sales tax of alcoholic beverages; providing an effective date.

Which was read the first time by title only and referred to the Committee on Temperance and the Committee on Finance and Taxation.

By Senator Pope—

S. B. No. 520—A bill to be entitled An Act relating to the Teachers' Retirement System of the State of Florida; amending Section 238.07, Florida Statutes as amended by Chapter 57-357 Acts of 1957 by adding thereto Subsection (17) redetermining monthly retirement allowance of certain teachers and fixing an effective date of this Act.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations.

By Senator Beall—

S. B. No. 521—A bill to be entitled An Act authorizing cities, towns and villages to issue revenue bonds or certificates payable from revenues or income from municipal revenue producing functions or facilities and from cigarette excise or privilege taxes, utility franchise taxes and utility service taxes, for the purpose of paying the cost of municipal improvements or facilities.

Which was read the first time by title only and referred to the Committee on Cities and Towns and the Committee on Finance and Taxation.

By Senator Beall—

S. B. No. 522—A bill to be entitled An Act to provide for the creation of water and sewer districts within the counties of the State; to incorporate same; to provide for the government, powers, operation, maintenance, regulation and control thereof; to provide for the construction, acquisition or purchase of

water and sewer systems or any combination thereof and improvements, additions and extensions thereto and the operation and maintenance thereof by said districts; to provide for optional methods of financing such construction, acquisition and purchase by the issuance of revenue bonds or general obligation bonds or assessment bonds or any combination thereof of said districts, and the levy of ad valorem taxes on all taxable property in such districts to pay such general obligation bonds, and for the cost of operation and maintenance and other corporate purposes of the district, and the fixing and collection of rates and charges on users of such systems to pay such revenue bonds, and the levy and collection of special assessments on property benefited by the construction or acquisition of such improvements to pay such assessment bonds; to provide for the additional pledge of the full faith and credit of such districts or special assessments for revenue bonds, and the additional pledge of water and sewer revenues or special assessments for general obligation bonds; providing for the rights, remedies and security of the holders of any such bonds, and providing when this Act shall take effect.

Which was read the first time by title only and referred to the Committee on General Legislation.

By Senator Boyd—

S. B. No. 523—A bill to be entitled An Act relating to false, misleading and deceptive advertising and sales; prohibiting such advertising as herein set forth; providing certain rebuttable presumptions as to violations, certain exemptions and penalties, and authorizing equitable relief against violators, and providing for the repeal of conflicting laws and an effective date.

Which was read the first time by title only and referred to the Committee on General Legislation.

By Senator Boyd—

S. B. No. 524—A bill to be entitled An Act regulating the sale of merchandise at sales designated or referred to as fire sales, going-out-of-business sales, liquidation sales, removal sales, or under like or similar designations, and requiring a permit therefor.

Which was read the first time by title only and referred to the Committee on General Legislation.

By Senator Stenstrom—

S. B. No. 525—A bill to be entitled An Act relating to uniform reciprocal enforcement of support law; amending Chapter 88, Florida Statutes, by adding Sections thereto, providing for registration of foreign support orders; fixing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "B."

By Senator Stenstrom—

S. B. No. 526—A bill to be entitled An Act relating to formation of corporations; amending Paragraph (1) of Subsection (2) of Section 608.03, Florida Statutes, relating to the contents of the articles of incorporation of corporations; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Corporations.

By Senator Stenstrom—

S. B. No. 527—A bill to be entitled An Act establishing rules for determining the existence of a partnership; defining and regulating partnerships; describing the rights, interests, duties, powers, and liabilities of partners and the rights and liabilities of partnerships; providing rules governing notice to partners, imputation of knowledge to partners, admissions by partners, and service of process on partners; establishing rules concerning partnership property; establishing rules for assignment of a partner's interest in partnership property and prescribing the rights of assignees of such property; establishing rights of a retiring partner or of the estate of a deceased partner; and providing for dissolution and winding up of a partnership and for distribution of partnership property; providing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Rawls—(By Request)—

S. B. No. 528—A bill to be entitled An Act concerning procedure of State administrative agencies.

Which was read the first time by title only and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

By Senator Rawls—(By Request)—

S. B. No. 529—A bill to be entitled An Act relating to the grounds for divorce; amending Subsection (6) of Section 65.04, Florida Statutes, to provide for habitual use of narcotics as grounds for divorce; fixing an effective date.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Rawls—(By Request)—

S. B. No. 530—A bill to be entitled An Act relating to service of process upon non-residents operating a watercraft in the State; providing that operation of watercraft by a non-resident is appointment of Secretary of State as agent for service of process; providing method of service of process.

Which was read the first time by title only and referred to the Committee on Judiciary "C."

By Senator Sutton—

S. B. No. 531—A bill to be entitled An Act relating to counties having a population of not less than one hundred fourteen thousand eight hundred (114,800) nor more than one hundred twenty thousand (120,000) inhabitants according to the latest official statewide decennial census; providing for additional club beverage licenses; providing an effective date.

Which was read the first time by title only.

Senator Sutton moved that the rules be waived and Senate Bill No. 531 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 531 was read the second time by title only.

Senator Sutton moved that the rules be further waived and Senate Bill No. 531 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 531 was read the third time in full.

Upon the passage of Senate Bill No. 531 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So Senate Bill No. 531 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Dickinson—

S. B. No. 532—A bill to be entitled An Act relating to Division of Corrections; amending Section 945.11, Florida Statutes, by adding Subsection (3) that provides State prisoners working on public roads shall be under armed guard; providing an effective date.

Which was read the first time by title only and referred to the Committee on Prisons and Convicts.

By Senators Carraway, Edwards, Getzen, Knight, Johns and Sutton—

S. B. No. 533—A bill to be entitled An Act relating to taxation; amending Chapter 192, Florida Statutes, by adding a new Section to be numbered 192.113, by exempting the homestead of quadriplegics from taxation; and providing an effective date.

Which was read the first time by title only and referred to the Committee on Finance and Taxation.

Senator Gresham presiding.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Senators Beall, Johns, Brackin, Clarke, Cross, Rawls, Melton, Stratton, Kicliter, Hodges, Boyd, Knight, Carlton, Adams, Sutton, Connor, Hair, Eaton, Branch, Stenstrom, Dickinson and Bronson—

Senate Concurrent Resolution No. 290:

A CONCURRENT RESOLUTION COMMENDING THE GREEK NATION AND DESIGNATING MARCH 25 OF EACH YEAR AS GREEK INDEPENDENCE DAY IN THE STATE OF FLORIDA.

WHEREAS, The nation of Greece has made contributions of the highest ideals and human dignity, unparalleled in the annals of history, to the people of the world, and

WHEREAS, The early Greek nation gave birth to, nurtured and shared with the rest of the world the highest principles of democracy, freedom, ethics, culture, art, literature and science, and

WHEREAS, The Greek nation has from its early birth down through its long and courageous history taught the civilized peoples of the earth that the human will and spirit is unconquerable, and

WHEREAS, Greece became an independent modern nation on March 25, 1821, and

WHEREAS, Its example in the battle against Communist aggression marks one of the most disastrous defeats totalitarianism has, in recent years, experienced, and

WHEREAS, Representatives of the Greek nation were so essential in the development of the sponge industry which contributes heavily to Florida's economy, and

WHEREAS, The culture, understanding and intellect of the people of Florida have been enriched by the contributions of these people, NOW, THEREFORE,

BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Legislature recognize and set apart March 25 of every year as "Greek Independence Day"; and that a copy of this resolution, under the seal of the Legislature be forwarded to the Greek-American Progressive Association and the American-Hellenic Educational Progressive Association.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And Senate Concurrent Resolution No. 290, contained in the above message, was referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Pope—

S. B. No. 333—A bill to be entitled An Act to authorize and empower the City of St. Augustine, Florida, to pay, by resolution, to each of its officers and employees a Christmas bonus not to exceed twenty-five (\$25.00) dollars including all necessary deductions; providing that such bonus shall be in addition to and in no manner in lieu of any other regular compensation; repealing all laws or parts of laws in conflict herewith and providing an effective date.

Proof of publication attached.

Also—

By Senator Pope—

S. B. No. 330—A bill to be entitled An Act to authorize and empower the city of St. Augustine, Florida, to enter into contracts and agreements for the purchase, acquisition and construction of municipal and other public buildings or structures necessary or appropriate for the use of the city and to pay for such purchase, acquisition or construction over a period of time not exceeding five (5) years; providing that the city shall not levy more than one mill in any fiscal year for the purposes of this Act and that the outstanding indebtedness for such purposes shall not exceed \$100,000.00 at any time; providing that each municipal and other public buildings or structures purchased, acquired and constructed under the provisions of this Act shall be paid for in full prior to the execution of any contract or agreement for the purchase, acquisition and construction of any other municipal and other public buildings or structures; repealing all laws or parts of laws in conflict herewith and providing an effective date.

Proof of publication attached.

Also—

By Senator Pope—

S. B. No. 332—A bill to be entitled An Act authorizing and permitting the City of St. Augustine, Florida, to provide for life, health, accident, or hospitalization insurance, or all or any kinds of such insurance for its employees and officers upon a group insurance plan; to enter into agreements with insurance companies to provide such insurance; to deduct periodically from the wages and salary of any employee or officer upon written request of such employee or officer any premium or portion of premium for such insurance, providing that the City of St. Augustine, Florida, shall contribute and pay amounts not to exceed fifty per cent (50%) of the expenses and costs thereof in such portions and amounts as the City of St. Augustine, Florida, shall by ordinance determine and fix, based upon all employees and officers receiving equal benefits; and providing that the expenses thereof shall be paid out of the general fund of said city; repealing all Laws or parts of Laws in conflict herewith and providing an effective date.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 333, 330 and 332, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Pope—

S. B. No. 334—A bill to be entitled An Act authorizing and empowering the city of St. Augustine, Florida, to levy a tax for the purpose of aiding, promoting and sponsoring the quadricentennial celebration and to contribute funds to the St. Augustine's 400th Anniversary, Inc., or its duly authorized nominee or successor, as a contribution toward expenses of said celebration; providing the manner in which the proceeds from said tax shall be contributed and expended, and providing that such Act shall not become effective unless ratified by a majority of the qualified electors of the city of St. Augustine, Florida, voting at a special election which may be called and held as herein provided; repealing all laws or parts of laws in conflict herewith and providing an effective date.

Proof of publication attached.

Also—

By Senator Pope—

S. B. No. 331—A bill to be entitled An Act to provide the method for the annexation of unincorporated territory which is adjacent and contiguous to the city limits of the City of St. Augustine, Florida, as such limits now or may hereafter exist; providing for the procedure to be followed in annexing such territory; providing for the exemption of such territory from the obligation of the bonded indebtedness of the City of St. Augustine, Florida, outstanding at the time of such annexation; providing that all residents of such annexed territory shall have the same rights and privileges as citizens of the City of St. Augustine, Florida; repealing all laws or parts of laws in conflict herewith and providing an effective date.

Proof of publication attached.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bills Nos. 334 and 331, contained in the above message, were referred to the Secretary of the Senate as Ex Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment—

By Senator Connor—

S. B. No. 30—A bill to be entitled An Act relating to the manner of depositing securities with the State Treasurer by banks in which money of the State is deposited, as security for such deposits; amending Subsection (3) of Section 18.11, Florida Statutes, specifying the requirements imposed upon approved banks issuing safekeeping receipts to the State Treasurer with respect to physical possession of the pledged securities.

Which amendment reads as follows:

At the end of the Title strike out the period and add the following: ; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 30, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Connor moved that the Senate concur in the House Amendment to Senate Bill No. 30.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 30.

And Senate Bill No. 30, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment—

By Senator Connor—

S. B. No. 28—A bill to be entitled An Act relating to investments by banks and trust companies; amending Subsection (1) of Section 659.20, Florida Statutes, by authorizing investments by banks and trust companies in the shares of stock of small business investment companies.

Which amendment reads as follows:

At the end of the Title strike out the period and add the following: ; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 28, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Connor moved that the Senate concur in the House Amendment to Senate Bill No. 28.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 28.

And Senate Bill No. 28, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment—

By Senator Connor—

S. B. No. 29—A bill to be entitled An Act relating to deposits in banks of money of the State and agencies of the State; amending Subsection (1) of Section 18.11, Florida Statutes, by providing for the security to be given by banks designated as depositories for money of the State.

Which amendment reads as follows:

At the end of the Title strike out the period and add the following: ; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 29, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Connor moved that the Senate concur in the House Amendment to Senate Bill No. 29.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 29.

And Senate Bill No. 29, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The President presiding.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendment—

By Senator Connor—

S. B. No. 27—A bill to be entitled An Act relating to public money and the funds of county officers, Boards of County Commissioners, and Board of Public Instruction of the several counties and depositories thereof; amending Sections 136.01, 136.02, 136.04, 136.06, 136.07, 219.05 and 237.32, Florida Statutes; providing for the creation and establishment of county depositories in and for the several counties of the State of Florida; providing for the receiving, keeping, care or custody and paying out of public money and money or funds of the several counties, Boards of County Commissioners, county officers, and Boards of Public Instruction, and providing for the security of such public money and funds; and repealing Section 136.09.

Which amendment reads as follows:

At the end of the Title strike out: the period and add the following: ; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 27, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Connor moved that the Senate concur in the House Amendment to Senate Bill No. 27.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 27.

And Senate Bill No. 27, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendment—

By Senator Connor—

S. B. No. 26—A bill to be entitled An Act relating to bank investments; amending Paragraph (a) of Section (5) of Section 659.20, Florida Statutes, by adding thereto a provision authorizing a bank to invest in stock of a corporation organized and operated for the sole purpose of owning the premises of such bank, subject to certain limitations.

Which amendment reads as follows:

At the end of the Title strike out: the period and add the following: ; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 26, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Connor moved that the Senate concur in the House Amendment to Senate Bill No. 26.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 26.

And Senate Bill No. 26, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has concurred in Senate Amendment to—

By Messrs. Westberry, Mathews and Stallings of Duval—

H. B. No. 97—A bill to be entitled An Act relating to the City of Jacksonville and its authority to acquire and provide properties and facilities of its electric and water systems with-in and without its corporate limits in order to furnish electricity and water to users of same in the areas within which said City is authorized to furnish same; confirming the prior actions of said City in establishing and providing such properties and facilities within such areas.

Which amendment reads as follows: In Title, strike out the period, add: "providing effective date."

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives requests the return of—

By the Legislative Council and Messrs. Crews of Baker, Chappell of Marion, Herrell of Dade and Ryan of Broward—

H. B. No. 142—A bill to be entitled An Act prohibiting the sale for use in motor vehicles of hydraulic brake fluid below the minimum standard of SAE heavy duty type brake fluid; requiring all containers of brake fluid to be marked; providing for the submission of certified samples to the department of agriculture, providing penalties for violation thereof and providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

Senator Eaton moved that the request of the House of Representatives, as contained in the foregoing message, be granted.

Which was agreed to and House Bill No. 142 was ordered returned to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed with amendment—

By Senator Cross—

S. B. No. 308—A bill to be entitled An Act relating to the boundaries and corporate limits of the City of Gainesville; amending Section 6 of Chapter 12760, Laws of Florida, Acts of 1927, the same being an Act entitled, "An Act to abolish the present municipal government of the City of Gainesville, in the County of Alachua, in the State of Florida, and to create, establish and organize a municipality to be known and designated as the City of Gainesville, and to define its territorial boundaries and to provide for its government, jurisdiction, powers, franchises and privileges," by including additional territory within the boundaries and corporate limits of the City of Gainesville, and providing that all property located within said boundaries or corporate limits shall be liable for all indebtedness of said city whether or not said additional territory so included was included within the said boundaries and corporate limits at the time said indebtedness was incurred.

Proof of publication attached.

Which amendment reads as follows:

Strike out: The period at the end of the title and insert in lieu thereof: ; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 308, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Cross moved that the Senate concur in the House Amendment to Senate Bill No. 308.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 308.

And Senate Bill No. 308, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment—

By Senator Cross—

S. B. No. 309—A bill to be entitled An Act to authorize the judge of the municipal court of the City of Gainesville, Florida, to issue search warrants for search and seizure within the corporate limits of the City of Gainesville, Florida, of places, vehicles or things to be searched in the manner, and upon the same terms, grounds and conditions, as prescribed by Chapter 933, Florida Statutes Annotated, 1941, and amendments thereof, and in case of a misdemeanor or violation of an ordinance of the City of Gainesville, being committed to make the same returnable before himself, and in the case of a felony being committed, to make the same returnable before the county judge of Alachua County, Florida, or any judge or magistrate having jurisdiction to try, or hold a preliminary hearing upon such felony.

Proof of publication attached.

Which amendment reads as follows:

Strike out: The period at the end of the title and insert the following in lieu thereof: ; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 309, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Cross moved that the Senate concur in the House Amendment to Senate Bill No. 309.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 309.

And Senate Bill No. 309, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendment—

By Senator Cross—

S. B. No. 310—A bill to be entitled An Act relating to the City of Gainesville: amending the Charter of said city by adding thereto a new subsection authorizing said city to enter into mutual aid contracts for reciprocal aid in extinguishing fires and to send its fire-fighting equipment and personnel outside of its corporate limits for such purpose.

Proof of publication attached.

Which amendment reads as follows:

Strike out: the period at the end of the title and insert the following in lieu thereof: ; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 310, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Cross moved that the Senate concur in the House Amendment to Senate Bill No. 310.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 310.

And Senate Bill No. 310, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed, with amendments—

By Senator Cross—

S. B. No. 312—A bill to be entitled An Act to repeal Chapter 27383, Laws of Florida, Special Acts of 1951, the same being An Act providing that tax levied by the Board of County Commissioners of Alachua County for road and bridge purposes need not be divided with the towns and cities of said county.

Proof of publication attached.

Which amendments read as follows:

Amendment No. 1:

In Section 2, following the words "take effect" strike out: remainder of paragraph and insert the following in lieu thereof: January 1, 1960.

Amendment No. 2:

Strike out: The period at the end of the title. Add the following: ; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 312, contained in the above message, was read by title, together with House Amendments thereto.

Senator Cross moved that the Senate concur in House Amendment No. 1 to Senate Bill No. 312.

Which was agreed to and the Senate concurred in House Amendment No. 1 to Senate Bill No. 312.

Senator Cross moved that the Senate concur in House Amendment No. 2 to Senate Bill No. 312.

Which was agreed to and the Senate concurred in House Amendment No. 2 to Senate Bill No. 312.

And Senate Bill No. 312, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 27, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform

the Senate that the House of Representatives has passed, with amendment—

By Senator Cross—

S. B. No. 313—A bill to be entitled An Act providing for the extension of the corporate limits of the City of Gainesville, Florida; establishing methods for the annexation of land to said city; describing specific areas to be annexed; requiring separate elections in said specific areas and in the city as conditions precedent to the annexation of the lands included within said specific areas; prescribing the dates and manner in which said elections are to be held; providing for the continuing authority of said city to annex contiguous lands and providing the manner in which such continuing authority to annex shall be exercised; declaring the jurisdiction and powers of said city over areas annexed and the property located therein and providing for referenda.

Which amendment reads as follows:

Strike out: the period at the end of the title and insert the following in lieu thereof: ; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And Senate Bill No. 313, contained in the above message, was read by title, together with the House Amendment thereto.

Senator Cross moved that the Senate concur in the House Amendment to Senate Bill No. 313.

Which was agreed to and the Senate concurred in the House Amendment to Senate Bill No. 313.

And Senate Bill No. 313, as amended, was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing, and the action of the Senate was ordered certified to the House of Representatives.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Messrs. Beck of Putnam, Rowell of Sumter and Mattox of Polk—

H. M. No. 469—A memorial to the Congress of the United States urging its members to enact such legislation or regulations as may be designed and calculated to allow a competent representative of the Welfare Department to examine the income tax returns of individuals suspected of fraud in welfare cases.

WHEREAS, Numerous cases of suspected fraud by recipients of welfare funds in Florida, have been uncovered, and

WHEREAS, The state has great difficulty in obtaining any information upon its requests of parties involved, and

WHEREAS, A regulation permitting an appointed representative of the welfare department to examine income tax returns would expedite the investigation of matters where a suspected fraud exists, NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the Congress of the United States is hereby memorialized and respectfully urged to expedite legislation or regulation permitting inspection of income tax returns by a competent representative of the welfare department.

BE IT FURTHER RESOLVED, That copies of this memorial be transmitted forthwith by the Secretary of State of the

State of Florida to the President of the United States and to his Director of Internal Revenue; to the President of the Senate and the Speaker of the House of Representatives in the Congress of the United States; and to each member of the Congressional delegation from the State of Florida.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Memorial No. 469, contained in the above message, was read the first time in full and referred to the Committee on Welfare.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Sweeny of Volusia and Westberry of Duval—

H. B. No. 263—A bill to be entitled An Act relating to Beverage Law Administration; amending Subsection (1) of Section 561.471, Florida Statutes; to require a stamp on crown or can lid of all taxable malt beverages; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 263, contained in the above message, was read the first time by title only and referred to the Committee on Temperance and the Committee on Judiciary "C."

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

The Honorable Dewey M. Johnson,
President of the Senate.

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By The Committee on Banks and Loans—

H. B. No. 529—A bill to be entitled An Act relating to forfeitures of property to the Game and Fresh Water Fish Commission of the State; providing for methods and procedures for effecting such forfeitures; providing methods for filing claims for the recovery of such property by third parties and others; amending Section 372.31, Florida Statutes, relating to disposition of illegal fishing devices; and amending Chapter 372 by adding thereto additional Sections to effectuate the intent of this Act; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 529, contained in the above message, was read the first time by title only.

Senator Connor moved that the rules be waived and House Bill No. 529 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has adopted—

By Messrs. Stallings of Duval, Eldredge of Dade, Pruitt of Brevard, O'Neill of Marion, Griffin of Polk and Daniel of Lake—

H. M. NO. 574—A MEMORIAL TO THE CONGRESS OF THE UNITED STATES URGING THE ADOPTION OF HOUSE JOINT RESOLUTION 23, PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION PROHIBITING THE FEDERAL GOVERNMENT TO ENGAGE IN ANY BUSINESS, EXCEPT AS SPECIFIED BY THE CONSTITUTION, PROHIBITING THE SUBJUGATION OF ANY LAWS OF THE UNITED STATES OR THOSE OF THE STATES TO ANY FOREIGN OR DOMESTIC AGREEMENT ABROGATING THE PROPOSED AMENDMENT AND REPEALING THE 16TH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

WHEREAS, Before the Congress of the United States is now House Joint Resolution 23 which reads as follows:

"Section 1. The government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

Section 2. The Constitution or laws of any state, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

Section 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

Section 4. Three years after the ratification of this amendment the sixteenth article of the amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts."

WHEREAS, The Sixteenth amendment to the Constitution of the United States states that the Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration, and,

WHEREAS, Article I, Section 8 of the Constitution of the United States states the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States, and

WHEREAS, The Fourth amendment to the United States Constitution states the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and

WHEREAS, Included in the Fifth amendment of the Constitution of the United States is the statement that private property shall not be taken for public use, without just compensation, and

WHEREAS, The Sixteenth amendment appears in conflict with the rights secured to the people by Article I, Section 8, and the Fourth and Fifth amendments of the Constitution of the United States, and

WHEREAS, The Sixteenth amendment is so loosely worded that it lends itself to whatever interpretation is desired, and

WHEREAS, Competent authorities agree that when federal,

state and local taxes exceed twenty-five per cent (25%) of our national income we are well on the road to government socialized economy and we have already passed this figure, and

WHEREAS, The success of our free enterprise economy stems from incentives for the individual and for business and our present tax structure stifles such incentives, and

WHEREAS, The government in competition with private ownership is operating some seven hundred (700) business enterprises, and

WHEREAS, The taxpayers are paying to maintain the competition of rent-free, cost-free, interest-free, tax-free competition of the federal agencies against our own enterprise, and

WHEREAS, These federal corporations are princes of privilege and represent a loss to the taxpayer of twenty-eight million, five hundred thousand dollars (\$28,500,000.00) in taxes each year, and

WHEREAS, If the seven hundred (700) businesses now being operated by the government were sold, the millions received could be applied to the government debt and would reduce government employment from approximately two million four hundred thousand (2,400,000) to roughly nine hundred thousand (900,000), and

WHEREAS, Such reduction of the federal payroll would enable the United States to repeal the income tax, saving roughly about three billion dollars (\$3,000,000,000.00) yearly, and

WHEREAS, Should there be any dispute as to whether repeal might endanger any legitimate functions of government, a manufacturer's tax or some other equitable form of taxes could be enacted immediately by the Congress, and

WHEREAS, Unlimited money in the hands of government means unlimited power and the federal government has been given much of this power through passage of the Sixteenth amendment, which has led to steadily increasing centralization and socialism, notwithstanding the fact that the several states already have the power to tax, and

WHEREAS, In the plan to destroy our system of government, the communist manifesto calls for a heavily graduated income tax, abolishment of the right to inheritance through taxation and thereby inducing America to spend herself into national bankruptcy, and

WHEREAS, The power to tax is the power to destroy, NOW, THEREFORE,

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the Legislature of the State of Florida does hereby memorialize the members of the Congress of the United States and they are respectively urged to adopt House Joint Resolution 23 and institute the procedure necessary for the adoption of the act as an amendment to the Constitution of the United States, thereby enabling the states to finance their own traditional functions and eliminate the threat of possible despotic, inefficient and chaotic centralization of government at the national level.

BE IT FURTHER RESOLVED, That a duly attested copy of this memorial be mailed to His Excellency, the President of the United States, a copy to the Honorable Governor of Florida and the governors of the other states, a copy to the Honorable President of the Senate, a copy to the Honorable Speaker of the House of Representatives, and a copy transmitted to each United States Senator and member of Congress in Washington, D. C., from Florida.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,

Chief Clerk, House of Representatives.

And House Memorial No. 574, contained in the above message, was read the first time in full and referred to the Committee on Constitutional Amendments and Governmental Reorganization.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By the Committee on Banks and Loans—

H. B. No. 531—A bill to be entitled An Act relating to bank investments; amending Paragraph (a) of Section (4) of Section 656.24, Florida Statutes, by adding thereto a provision authorizing an industrial savings bank to invest in stock of a corporation organized and operated for the sole purpose of owning the premises of such industrial savings bank, subject to certain limitations; providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 531, contained in the above message, was read the first time by title only.

Senator Connor moved that the rules be waived and House Bill No. 531 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By The Legislative Council and Messrs. Crews of Baker and Chappell of Marion—

H. B. No. 160—A bill to be entitled An Act relating to the Florida Highway Patrol; amending Section 321.04, Florida Statutes, by authorizing additional rank classifications of members of the highway patrol; limiting the total number of patrol personnel; amending Section 321.071, Florida Statutes, by authorizing additional special service officers; providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 160, contained in the above message, was read the first time by title only and referred to the Committee on Appropriations.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By The Committee on Banks and Loans—

H. B. No. 532—A bill to be entitled An Act Relating to Investments by Industrial Savings Banks; Amending Subsection (1) of Section 656.24, Florida Statutes, by authorizing investments by Industrial Savings Banks in the shares of stock of the Federal National Mortgage Association, and of Small Business Investment Companies; Providing effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 532, contained in the above message, was read the first time by title only.

Senator Connor moved that the rules be waived and House Bill No. 532 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Mathews of Duval, Chappell and O'Neill of Marion—

H. B. No. 192—A bill to be entitled An Act relating to homestead abandonment; amending Chapter 192 Florida Statutes by adding new section to be numbered Section 192.141; providing that the rental of an entire dwelling previously claimed to be a homestead is an abandonment of such dwelling as a homestead; providing certain exemptions; and providing an effective date.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 192, contained in the above message, was read the first time by title only and referred to the Committee on Finance and Taxation.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 24, 1959.

*The Honorable Dewey M. Johnson,
President of the Senate.*

Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Papy of Monroe—

H. B. No. 202—A bill to be entitled An Act for the relief of Ramon R. Delgado, holder of Beverage License No. 54-374 7-COP, issued for 1900 Flagler Street, Key West, Florida, which has been restricted through no fault of his under the provisions of Chapter 57-773, Laws of Florida; directing the State Beverage Department to issue an appropriate license to which said Ramon R. Delgado would have been entitled had construction of the premises been completed by January 1, 1958, and vacating and canceling the endorsement limiting said license; providing when this act shall take effect.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,

LAMAR BLEDSOE,
Chief Clerk, House of Representatives.

And House Bill No. 202, contained in the above message, was read the first time by title only and referred to the Committee on Temperance.

Senator Carraway moved that Senate Bill No. 207, previously referred to the Committee on Welfare, be also referred to the Committee on Appropriations.

Which was agreed to by a two-thirds vote and it was so ordered.

Senator Houghton asked unanimous consent of the Senate to take up and consider House Bill No. 624, out of its order.

Unanimous consent was granted, and—

H. B. No. 624—A bill to be entitled An Act amending Chapter 10335, Laws of Florida, Special Acts of 1925, as amended, being the Charter of the Town of Belleair, Florida, and in particular Sections 24, 25, 26 and 27 thereof relating to the issuance of bonds; to increase the purposes for which bonds may be issued; to increase debt limitations from five per cent (5%) of assessed value to twenty five per cent (25%) thereof; to provide for the issuance of bonds payable from revenues, utilities services taxes, cigarette taxes, franchise taxes, or other excise taxes and other funds; and providing for a referendum on such amendment.

Was taken up.

Senator Houghton moved that the rules be waived and House Bill No. 624 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 624 was read the second time by title only.

Senator Houghton offered the following amendment to House Bill No. 624:

In Section 2, lines 22 and 23, page 5, strike out the words: "executors, administrators, guardians and other fiduciaries,"

Senator Houghton moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Houghton moved that the rules be further waived and House Bill No. 624, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 624, as amended, was read the third time in full.

Upon the passage of House Bill No. 624, as amended, the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So House Bill No. 624 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

Senator Gresham asked unanimous consent of the Senate to take up and consider House Bill No. 629, out of its order.

Unanimous consent was granted, and—

H. B. No. 629—A bill to be entitled An Act relating to the office of County Attorney of Hendry County, Florida; repeal-

ing Chapter 28684, Laws of Florida, 1953; providing an effective date.

Was taken up.

Senator Gresham moved that the rules be waived and House Bill No. 629 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 629 was read the second time by title only.

Senator Gresham moved that the rules be further waived and House Bill No. 629 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 629 was read the third time in full.

Upon the passage of House Bill No. 629 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So House Bill No. 629 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Gresham asked unanimous consent of the Senate to take up and consider House Bill No. 638, out of its order.

Unanimous consent was granted, and—

H. B. No. 638—A bill to be entitled An Act relating to the compensation of the supervisor of registration in Hendry County; providing an effective date.

Was taken up.

Senator Gresham moved that the rules be waived and House Bill No. 638 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 638 was read the second time by title only.

Senator Gresham moved that the rules be further waived and House Bill No. 638 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 638 was read the third time in full.

Upon the passage of House Bill No. 638 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So House Bill No. 638 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Kicliter asked unanimous consent of the Senate to take up and consider House Bill No. 250, out of its order.

Unanimous consent was granted, and—

H. B. No. 250—A bill to be entitled An Act authorizing and empowering the Sebastian River Drainage District in Indian River County, Florida, to control, conserve and manage the waters within and without said District as may be necessary to effectuate drainage, management and conservation of waters for the benefit of said District; to adopt a work plan in lieu of a plan of reclamation; to levy assessment of special benefit of taxes upon the lands in the District; to borrow money and issue certificates of indebtedness, notes or bonds; to contract with landowners outside the District in carrying out the lawful powers of said District; vesting its Board of Supervisors with the power and authority to carry out the powers and duties vested in said District; making this Act cumulative and providing effective date.

Was taken up.

Senator Kicliter moved that the rules be waived and House Bill No. 250 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 250 was read the second time by title only.

Senator Kicliter moved that the rules be further waived and House Bill No. 250 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 250 was read the third time in full.

Upon the passage of House Bill No. 250 the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So House Bill No. 250 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senator Kicliter asked unanimous consent of the Senate to take up and consider House Bill No. 251, out of its order.

Unanimous consent was granted, and—

H. B. No. 251—A bill to be entitled An Act relating to Indian River County; authorizing the Board of County Commissioners to grant franchises in unincorporated areas for the construction, operation and maintenance of public utilities, including water systems, sewage systems, gas systems and sanitary garbage service; prescribing the method of granting such franchises and the terms thereof; requiring bonds of licensees; exempting certain utilities from the terms hereof; providing procedures for hearings of complaints against licensees and the disposition thereof, including reviewing and fixing of rates; authorizing transfer of franchises only under certain conditions; and providing an effective date.

Was taken up.

Senator Kicliter moved that the rules be waived and House Bill No. 251 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 251 was read the second time by title only.

Senator Kicliter offered the following amendment to House Bill No. 251:

In Section 4, line 1, page 5, beginning with, and including

the words, "in any instrument creating such licenses; and" strike out the remainder of the bill and insert in lieu thereof the following: in any instrument creating such licenses; and

(4) in addition to the foregoing, provisions as may be reasonably necessary, for the protection of the County and the public.

(5) in the event any road, highway, or right of way over, under or upon which such license or easement is granted, shall be closed, abandoned, vacated or discontinued, the Board of County Commissioners may terminate such easement or license as to such road, highway or right of way, as is closed, abandoned, vacated or discontinued.

(6) To require the licensee to move or remove any pipelines, poles, conduits or other facilities at no cost to the County in the event of the widening or repair or reconstruction of any such street, road, alley or other right of way.

(f) If any person or party serviced by a utility operating under such a franchise, complains to said Board concerning the rates, charges and operations of such utility, and such utility, after request is made upon it, by the Board of County Commissioners, fails to satisfy or remedy such complaint or objection, and/or fails to satisfy said Board that said complaint or objection is not proper, the Board may thereupon, after due notice to such utility, schedule a hearing concerning such complaint or objection, and the Board may review the rates and charges set and charged by such utility for the services which it furnishes, and the nature and character of the services it furnishes, and the quality of services furnished, pursuant to such franchise. If the Board enters order pursuant to such hearing, and the utility or any other person, firm or corporation participating in such hearing feels itself aggrieved by such order, the utility or such person, firm or corporation may seek review of the Board's action by proceedings in the Circuit Court of the County. This section, however, shall not apply to any utility or to any utility system owned or managed by any municipality.

(g) Such franchise shall be for such term of years as the Board shall determine, but not to exceed ninety-nine (99) years. Such franchises shall be transferrable and assignable; provided:

(1) Notice or request for transfer and assignment shall be given by the then holder of the franchise to said Board in writing, accompanied by a request from the proposed transferee/assignee, which application shall contain information concerning the financial status and other qualifications of the proposed transferee/assignee, and such other information as the Board shall require.

(2) A public hearing shall be held on such request of which notice shall be given by publication in a newspaper regularly published in said County at least one time, not more than one month, nor less than one week, preceding such hearing. Certified Proof of Publication of such notice shall be filed with the Board. Said hearing may thereafter be continued from time to time as determined by the Board.

(3) The proposed transferee/assignee must meet the same requirements and comply with the same rules and regulations as would be required of an original applicant for a franchise.

(h) To include in said franchise such additional terms and provisions as shall properly assure the orderly servicing of such area, therein included, by such person, firm, or corporation of the utility or utilities referred to in said franchise; and, if any such person, firm, or corporation receiving such franchise fails or refuses to properly discharge the same, the Board shall give such person, firm or corporation written notice of such deficiencies or defaults, and a reasonable time within which such person, firm, or corporation shall remedy the same, and properly furnish the service required by said franchise. Such deficiency or default shall be specifically set forth in such notice from the Board. If such person, firm, or corporation fails to remedy such deficiencies or defaults within the time required by said Board in its notice, the Board may thereafter schedule a hearing concerning the same, with reasonable notice thereof to said person, firm, or corporation, and after said hearing, at which all interested parties shall be heard, the Board may further limit or restrict said franchise, or may terminate and cancel the same, if proper reasons thereby are found by the Board. If

the Board enters order pursuant to such hearing, and the utility or any other person, firm or corporation participating in such hearing feels itself aggrieved by such order the utility or such other person, firm or corporation may seek review of the Board's action by proceedings in the Circuit Court of the County.

(i) Any franchises granted pursuant to this Act shall be limited as follows:

(1) No user of natural or other gas, to the average amount of 100,000 cubic feet per day, would be required to deal with said utility, but any such user shall be at liberty to make direct contracts with any gas pipe line company or other source of gas.

(2) Any person, firm or corporation using, in normal average consumption, more than 100,000 gallons of water per day, shall not be required to deal with said utility, but any such water user shall be at liberty to secure its water from such source or sources as it might desire. Any franchise for water shall also exempt and except therefrom any public agency producing water for resale at wholesale.

(j) Notwithstanding anything contained herein to the contrary, nothing in this Act or in any franchises granted hereunder shall:

(1) Prevent landowners to exercise their vested rights to pump water for their own use, nor shall the riparian and other water rights of landowners be in any way impaired, reduced, or affected hereby.

(2) Limit or restrict any person, now or hereafter, owning or occupying any premises now serviced with natural gas and water from continuing to receive such services and purchase natural gas and water from any person, firm or corporation now selling such natural gas and water to said owner or occupant, provided, however, if such owner or occupant requests services and purchases natural gas and water from any grantee in any franchises issued hereunder, then the provisions of any franchises issued hereunder with respect to the product purchased, shall apply to such owner, occupant, or the land involved, and the above rights, with respect to such product reserved to any such owner or occupant shall cease and terminate.

(3) Affect, limit or restrict the rights or privileges as set forth and contained in any license issued to any utility heretofore granted by the Board of County Commissioners pursuant to Section 125.42, Florida Statutes.

(k) Any person operating a public utility as herein defined at the time this Act becomes law may apply within one year hereafter for a franchise hereunder and the County Commissioners, without the necessity of public hearing, shall grant, without requiring bonds, a non-exclusive franchise to such applicant with respect to the area or areas now being served, provided, however, if any such person shall desire an exclusive

franchise then the procedure, requirements, conditions, limitations and terms contained in Subsections 4(a) to 4(j) inclusive shall apply to any such application.

Section 5. This Act shall be cumulative and in addition to any powers and authorities heretofore granted to said Board or to Boards of County Commissioners under the general laws of the State of Florida.

Section 6. All laws or parts of laws in conflict herewith are hereby repealed. If any part of this Act shall be unconstitutional, the remainder shall not be invalidated thereby, and all laws and parts of laws thereof in conflict herewith, are hereby repealed.

Section 7. This Act shall take effect immediately upon its becoming a law.

Senator Kicliter moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Kicliter moved that the rules be further waived and House Bill No. 251, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 251, as amended, was read the third time in full.

Upon the passage of House Bill No. 251, as amended, the roll was called and the vote was:

Yeas—38.

| | | | |
|---------------|-----------|----------|-----------|
| Mr. President | Clarke | Gresham | Pope |
| Adams | Connor | Hair | Price |
| Beall | Cross | Hodges | Rawls |
| Belser | Davis | Houghton | Ripley |
| Boyd | Dickinson | Johns | Stenstrom |
| Brackin | Eaton | Kelly | Stratton |
| Branch | Edwards | Kicliter | Sutton |
| Bronson | Gautier | Knight | Tedder |
| Carlton | Getzen | Melton | |
| Carraway | Gibbons | Pearce | |

Nays—None.

So House Bill No. 251 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

Senator Davis, Chairman of the Committee on Rules and Calendar, moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 4:32 o'clock P.M., until 11:00 o'clock A. M., Tuesday, April 28, 1959.